

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DARNELL WASHINGTON,)	Case No. 1:07 CV 15
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
STATE OF OHIO, et al.,)	
)	
Defendants.)	

Before the Court is the “Motion for Reconsideration Civil Rule 59(e)” filed by civil rights plaintiff Darnell Washington on December 23, 2009. (**ECF No. 26.**) This motion is hereby **DENIED** for the following reasons.

First, under Rule 59(e), “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Judgment in this case was entered on March 19, 2007. (ECF No. 4.) Not only did Washington file the pending motion more than two years late, he filed it more than seven months after the Court’s judgment was affirmed on appeal. (ECF No. 19.) Accordingly, the pending motion is denied as untimely.

Second, Washington has already filed another untimely post-appeal (purported Rule 60(b)) motion which the Court recently denied. (Respectively, ECF Nos. 20, 24.) Rule 59(e)

motions to alter or amend judgment do not apply to the Court's rulings on post-judgment motions.

Third, the pending motion restates the arguments articulated in the Rule 60(b) motion, upon which this Court has already ruled – thus, there is no basis for changing the Court's previous ruling.

Finally and most important, this case was finally concluded when the Sixth Circuit affirmed the Court's judgment and Washington did not timely appeal that affirmance to the U.S. Supreme Court.

Accordingly, not only is the pending motion denied, but Washington is hereby **BARRED** from filing anything further in this closed case, and the Clerk of Court is hereby **DIRECTED** to remove any further filings by Washington in this case from the docket.

IT IS SO ORDERED.

/s/Dan A. Polster January 7, 2010

Dan Aaron Polster
United States District Judge